

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

ROBERTO DURAND

Plaintiff,

v.

T. COOKE, et al.,

Defendants.

Case No.: 3:22-cv-00404-ART-CSD

**ORDER DENYING IFP
APPLICATIONS WITHOUT
PREJUDICE**

(ECF Nos. 1, 3)

On September 8, 2022, pro se plaintiff Roberto Durand, an inmate in the custody of the Nevada Department of Corrections, filed a complaint under 42 U.S.C. § 1983 and applied to proceed *in forma pauperis*. (ECF Nos. 1-1, 1). Durand filed a second application to proceed *in forma pauperis* a few days later. (ECF No. 3). Both of Durand's applications to proceed *in forma pauperis* are incomplete because **he did not include an inmate trust fund account statement for the previous six-month period with his applications**. The Court will deny Durand's applications without prejudice to his ability to correct this deficiency **by December 5, 2022**.

DISCUSSION

The United States District Court for the District of Nevada must collect reasonable fees to function. The fee for filing a civil action that is not a writ of habeas corpus is \$402, which includes the \$350 filing fee and the \$52 administrative fee. "Any person who is unable to prepay the fees in a civil case may apply to the court for leave to proceed *in forma pauperis*." Nev. Loc. Special R. 1-1. For an inmate to apply for *in forma pauperis* status, he must submit **all three** of the following documents to the Court: (1) a completed **Application to Proceed in Forma Pauperis for Inmate**, which is pages 1–3 of the Court's approved form, that is properly signed by the inmate twice on page 3; (2) a completed **Financial Certificate**, which is page 4 of the Court's approved form, that is properly signed by both the inmate and a prison or jail official; and (3) a copy of the

1 inmate's prison or jail trust fund account statement for the previous 6-month
 2 period. See 28 U.S.C. § 1915(a)(1)–(2); Nev. Loc. Special R. 1-2. *In forma pauperis*
 3 status does not relieve an inmate of his obligation to pay the filing fee, it just means that
 4 he can do so in installments. See 28 U.S.C. § 1915(b).

5 As explained above, Durand's applications to proceed *in forma pauperis* are
 6 incomplete because he failed to include an inmate trust fund account statement for the
 7 previous six-month period with his applications. The Court will therefore deny Durand's
 8 applications to proceed *in forma pauperis* without prejudice to his ability to either pay the
 9 filing fee or file a new fully complete application to proceed *in forma pauperis* with all three
 10 required documents. And the Court will grant Durand a 60-day extension to do so.

11 CONCLUSION

12 It is therefore ordered that the applications to proceed *in forma pauperis* (ECF
 13 Nos. 1, 3) are denied without prejudice.

14 It is further ordered that Durand has **until December 5, 2022**, to either pay the full
 15 \$402 filing fee or file a new fully complete application to proceed *in forma pauperis* with
 16 all three required documents: (1) a completed application with the inmate's two signatures
 17 on page 3, (2) a completed financial certificate that is signed both by the inmate and the
 18 prison official, and (3) a copy of the inmate's trust fund account statement for the previous
 19 6-month period.

20 Durand is cautioned that this action will be subject to dismissal without prejudice if
 21 he fails to timely comply with this order.

22 The Clerk of the Court is directed to send plaintiff Roberto Durand the approved
 23 form application to proceed *in forma pauperis for inmate* and instructions for the same
 24 and retain the complaint (ECF No. 1-1) but not file it at this time.

25 DATED: October 6, 2022.

26 
 27 UNITED STATES MAGISTRATE JUDGE
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